

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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HARSH KHURANA,

Plaintiff,

-against-

18-cv-0233 (LAK)

WAHED INVEST, LLC, et al.,

Defendants.
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ORDER

LEWIS A. KAPLAN, *District Judge*.

Magistrate Judge Barbara Moses has rendered a well considered report and recommendation in which she recommends that defendants' motion to dismiss the second amended complaint (Dkt. 39) be granted in part and denied in part. Defendants' objections are little if anything more than repetitions of arguments soundly rejected in the report and recommendation. They are overruled.

Accordingly, defendants' motion to dismiss the second amended complaint and for other relief (Dkt 39) is granted to the extent that (a) Count II is dismissed without prejudice to plaintiff's right to request (or defendants' right to oppose) the remedy of specific performance in connection with plaintiff's surviving contract claim, (b) Count III is dismissed with prejudice, and (c) paragraphs 26-28, and paragraph 47 on page 13 of the second amended complaint are stricken.

SO ORDERED.

Dated: January 22, 2020



Lewis A. Kaplan
United States District Judge\

